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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Twentieth session

Summary record of the 415th meeting*
Held at the Palais des Nations, Geneva, on Monday, 10 September 2018, at 3 p.m.

Chair: Ms. Degener

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Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of the former Yugoslav Republic of Macedonia

* No summary records were issued for the 411th to 414th meetings.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of the former Yugoslav Republic of Macedonia (CRPD/C/MKD/1; CRPD/C/MKD/Q/1 and CRPD/C/MKD/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of the former Yugoslav Republic of Macedonia took places at the Committee table.*

2. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia), introducing his country's initial report (CRPD/C/MKD/1), said that his Government was committed to upholding the rights of persons with disabilities and had adopted a series of measures to implement the Convention. It had conducted a far-reaching review of national legislation and had amended various laws to bring them into line with the Convention's provisions, including the Law on Social Protection, the Law on Child Protection, the Law on Construction Works and the Law on Equal Opportunities between Women and Men. In addition, efforts were under way to adopt a definition of disability compatible with article 1 of the Convention, standardize the terminology used to describe persons with disabilities and pass the draft new Law on Prevention of and Protection against Discrimination, which referred explicitly to discrimination on the basis of disability. Further action was required, however, to give effect to the economic and social rights of persons with disabilities, including measures to strengthen their participation in the labour market and improve their access to decent health care.

3. The Government had taken steps to facilitate access to appropriate health-care services for persons with disabilities, particularly children with disabilities. A Ministry of Health working group had identified the need for additional specialist medical support to be made available for those children. Following consultations with families, the Government had launched an action plan for the promotion of health care for persons with disabilities, including children, under which access to such support would be enhanced. Some persons with disabilities would be eligible for exemptions from health insurance contributions, pursuant to amendments to the Law on Health Insurance, and steps had been taken to facilitate the social and medical assistance application process for families of children with disabilities and to raise by 15 per cent the amount of the welfare benefits provided to cover the rehabilitation and medical costs those families incurred.

4. Various measures had been implemented to promote the inclusion of children with disabilities in mainstream schools. For example, teachers were now required to follow inclusive teaching plans and devise inclusive teaching practices. Training sessions on inclusive education had been organized for preschool teachers, and 131 additional special needs teachers had been recruited — 74 at the primary and 57 at the senior school level — along with an additional 140 teaching and personal assistants in 2018. Furthermore, some 70 special needs teachers had recently undergone training in the early identification of children requiring special educational assistance.

5. His Government had made concerted efforts to deinstitutionalize persons with disabilities and establish policies and services that would enable them to live in the community. A separate budget line had been made available for the deinstitutionalization process; a large proportion of that funding — some 17.5 million denars — would be allocated to independent living programmes such as the project to provide personal assistants to some 100 persons with severe disabilities. Representatives from civil society, organizations of persons with disabilities and United Nations agencies had played an active role in the drafting and implementation of the national deinstitutionalization policy, which would ensure that, by 2020, no child under the age of 3 would be placed in institutional care. Specific action had also been taken to reform the Demir Kapija institution and transfer the persons living there to smaller group homes. A special media campaign entitled "Each Child Deserves a Family" had been launched, in cooperation with the United Nations Children's Fund (UNICEF), to promote foster care and the importance of living in a family environment for children with disabilities.

6. Measures had been taken to strengthen the provisions of the Law on Employment of Persons with Disabilities and improve access to appropriate rehabilitation services for persons with disabilities, with a view to facilitating their participation in the labour market. Efforts were also under way to make personal employment assistants available to persons with disabilities who wished to work but needed special support in order to do so.

7. Since 2013, local authorities had been required to comply with universal design standards and ensure unimpeded access to public buildings and institutions for persons with disabilities. To date, some 28 government buildings and around 11 prison cells had been specially adapted. However, much remained to be done in that regard.

8. Violence prevention was another area in which further efforts were needed. The former Yugoslav Republic of Macedonia had ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in 2017 and had been taking steps to implement its provisions.

9. Questions on disability had been included in the national census questionnaire, in accordance with the recommendations of the Washington Group on Disability Statistics. In addition, a national database of persons with disabilities was being developed to collate relevant disability-related information contained in the databases of the Ministry of Labour and Social Policy, the Health Insurance Fund and the Employment Service Agency.

10. The Government had decided to establish two national bodies to coordinate and monitor the implementation of the Convention, respectively. The National Coordination Body for Implementation of the Convention had held its first meeting in July 2018, in the presence of the Prime Minister and other high-profile government ministers, who had pledged to improve the status and inclusion of persons with disabilities. The second body, to monitor the implementation of the Convention, would be operational soon and would evaluate the progress made to uphold the rights of persons with disabilities in several key areas.

11. **Mr. Babu** (Country Rapporteur) said that the State party was to be commended on the establishment of the National Coordination Body for Implementation of the Convention. However, the current mandate and structure of the body were not in compliance with the Convention, and it did not appear to cooperate sufficiently with the National Council of Disability Organizations. The Committee hoped that there would be greater cooperation between the Government and organizations of persons with disabilities in the future.

12. The medical model of disability continued to prevail in the State party, as was evident from the definitions of disability contained in various laws. The Constitution, moreover, failed to mention disability as a ground of discrimination and disability was not included in its general clause on equality. There also appeared to be no legal remedies available for persons with disabilities who had been victims of discrimination. The State party's legislation needed to be reviewed and amended to ensure that it complied fully with the Convention and promoted a social approach to disability.

13. While national legislation such as the laws on housing, public transport and public roads and construction works took a systematic and comprehensive approach to physical accessibility, no sanctions had been established to punish those who failed to comply with those laws. Furthermore, their provisions appeared to have been applied solely in the capital city and not in municipal and rural areas, and there had been reports that, even in Skopje, buildings had been constructed with scant regard for the accessibility requirements in force. Greater cooperation was needed between the Government and organizations of persons with disabilities in monitoring and evaluating the implementation of accessibility standards. An overarching, inclusive approach to accessibility should be adopted with clear monitoring and evaluation frameworks, in order to determine the level of compliance with and effectiveness of those standards.

14. With regard to inclusive education, the new Law on Elementary and Secondary Education did not contain provisions explicitly protecting children with disabilities from discrimination, and there was a clear lack of support for those children, not least in the form of early intervention and appropriately trained staff. The State party should, in particular,

provide more sign language training to teachers and consider adopting sign language as an official language.

15. The State party was to be commended on the adoption of article 6 of the Law on Labour Relations, which explicitly prohibited disability-based discrimination. It should, however, review and amend the numerous laws that were not aligned with article 6 and ensure that all legislation complied with article 27 of the Convention.

16. The discriminatory provisions that allowed persons with disabilities to be deprived of legal capacity on the basis of their disability should be repealed and supported decision-making mechanisms should replace the current guardianship system. While the Government had made progress with regard to general human rights training for legal professionals, more continuous and systematic training on the Convention, and particularly article 13 on access to justice, was needed. Reform of the restrictive provisions on free legal aid would likewise improve access to justice for persons with disabilities.

17. National legislation restricted the right to vote of persons with disabilities, particularly those living in institutions or staying temporarily in medical or rehabilitation centres. The principles of equality, non-discrimination and accessibility were often not respected during the election process and reasonable accommodation did not appear to be provided, which prevented some persons with disabilities, most notably those with intellectual and/or psychosocial disabilities, from exercising their right to vote at all.

18. The current deinstitutionalization process was inadequate. Indeed, the Government was still spending more on institutional care than on community-based options, and there was a lack of independent living facilities. It was to be hoped that the Government would take account of the shortcomings of its previous deinstitutionalization strategy when developing the new one, which should be drawn up in close cooperation with organizations of persons with disabilities and other local stakeholders in order to ensure the long-term sustainability of the deinstitutionalization process. In that connection, overreliance on funding from United Nations bodies and other agencies, such as the Red Cross, should be avoided.

19. The State party should take steps to ensure that persons with disabilities could participate fully in cultural life, recreation, leisure and sport. To that end, it should ratify or accede to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

20. Lastly, the national monitoring mechanism should be fully independent and have the necessary budgetary resources, in keeping with the Paris Principles, and municipal authorities should establish independent monitoring committees to ensure a coordinated, nationwide approach to matters concerning persons with disabilities.

Articles 1–10

21. **Mr. Kabue** asked how the National Coordination Body for Implementation of the Convention was constituted and how persons with disabilities were represented on the body and involved in its work. He wished to know what specific measures were in place to tackle disability-based discrimination and, in particular, to ensure that denial of reasonable accommodation was recognized as a form of discrimination. He would also like to hear how women and girls with disabilities were protected against all forms of violence, and what was being done to afford them access to reproductive health services and promote their economic empowerment. Lastly, the delegation should explain how the Government ensured that awareness-raising on the rights of persons with disabilities took place on a continuous, rather than an ad hoc, basis and that persons with disabilities were involved in planning awareness-raising programmes.

22. **Mr. Basharu** asked whether the State party would take steps to remove the derogatory language concerning persons with disabilities from its laws, policies and other documents. He also wished to know how children with disabilities were included in society, whether they took part in any children's assemblies or parliaments and what weight was given to their views.

23. **Mr. Alsaif** asked what measures were being taken to ensure that the specific needs of women and girls with disabilities were addressed in the National Strategy on Equal Rights of Persons with Disabilities and to amend the Law on Equal Opportunities for Women and Men to include special provisions on women and girls with disabilities. He would also like to hear how the State party ensured that children with disabilities were protected from corporal punishment, abuse and exploitation and that the families of children with disabilities were given the support and resources they needed. Lastly, he wondered whether any of the country's universities or other training institutions offered engineering or design courses that included universal design as part of the mandatory curriculum, and what penalties were in place in the event of non-compliance with accessibility standards and regulations.

The meeting was suspended at 3.50 p.m. and resumed at 4.10 p.m.

24. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that all funds allocated to the deinstitutionalization process came directly from the national budget and that the Red Cross was merely the service provider. Funds were now being transferred away from institutional care and into community-based options.

25. The Government was working to harmonize its definition of disability across all relevant legislation and to ensure that the definition was in line with the Convention. A revision of the definition of disability contained in the draft new Law on Prevention of and Protection against Discrimination had thus been proposed following consultations with organizations of persons with disabilities and academic experts. As the Commission for Protection against Discrimination was to become a full-time, independent body, it was hoped that more complaints would be filed through that mechanism and more issues relating to disability-based discrimination resolved as a result.

26. The Law on Equal Opportunities for Women and Men did not contain any special provisions on women and girls with disabilities. While women and girls with disabilities were included in general measures for the economic empowerment of women and girls, they were not addressed as a specific group.

27. His Government was conscious of the shortcomings of the previous national implementation and monitoring structure. For that reason, it had set up the new National Coordination Body for Implementation of the Convention and was encouraging civil society organizations to establish an independent monitoring mechanism in cooperation with the Ombudsman's Office.

28. The public transport system and the roads in the capital were accessible. His Government acknowledged, however, that the same was not true in other parts of the country.

29. **Mr. Dodevski** (The former Yugoslav Republic of Macedonia), pointing out that the current Government had been the first to appoint a special adviser on the rights of persons with disabilities, said that the National Coordination Body for Implementation of the Convention, which had been operational for several months, would be allocated additional funding in due course. The new mechanism comprised 15 members, including 2 representatives from the Office of the Prime Minister, 11 representatives from other government ministries, 1 representative elected by the National Council of Disability Organizations and 1 representative appointed by organizations of parents of children with disabilities. It would coordinate implementation of the Convention, and all draft laws and regulations concerning persons with disabilities would be submitted to it. The new mechanism would also be responsible for raising awareness of the rights of persons with disabilities within the community and across sectors including education and health care. It would work with civil society organizations to that end.

30. **Mr. Trkaljanov** (The former Yugoslav Republic of Macedonia) said that the university architecture curriculum had been broadened to include the design, construction and adaptation of building interiors and exteriors to ensure that they were accessible for persons with disabilities. Under the Law on Construction Works, public and commercial buildings must be designed and constructed in such a way as to provide unimpeded access

for persons with disabilities. Funds had been set aside for the design and construction of accessible playgrounds in accordance with the principles of universal design.

31. The Skopje municipal authorities had drawn up plans to make bus stop platforms more accessible, in line with national legislation, while the design of railway platforms had been adapted to meet the needs of persons with disabilities and a number of accessibility ramps had been installed. The right of persons with disabilities to equal and unrestricted access to, from and within airports was recognized and upheld by the operator.

32. Sign language interpretation was provided for several television programmes. However, his Government acknowledged the need to improve access to information for persons with visual impairments.

33. An action plan for the implementation of accessibility had been drawn up. The Ministry of Labour and Social Policy and the Ministry of Transport and Communications drafted and submitted to the Government information papers on how to enhance accessibility. A report had been prepared on the continuous monitoring of changes and improvements regarding accessibility. Inspections were carried out to ensure compliance with relevant legal provisions and penalties were applied in cases of non-compliance.

34. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that information concerning training courses on sexual and reproductive health for both persons with disabilities and professionals working with those persons and on preventing, recognizing and reporting sexual abuse for foster families of persons with disabilities could be found in paragraphs 116 to 118 of the replies to the list of issues (CRPD/C/MKD/Q/1/Add.1).

35. The delegation included one member with a disability, Mr. Trkaljanov, who worked in the office of the Minister of Labour and Social Policy as an adviser on disability-related issues. More generally, persons with disabilities were employed by a range of government bodies, in order to ensure that policies reflected a disability perspective and to promote inclusion. Prior to the adoption of any regulation or law, members of the public, including persons with disabilities, had the opportunity to comment on the draft text in question, including at public hearings. Such comments must be taken into account and, where possible, were incorporated into the final instrument. Working groups including members with disabilities were set up to provide input whenever legislation on issues such as social protection, health care or education was being drafted.

36. In 2019, further support would be provided for the transfer of persons with disabilities from institutions to community-based facilities. The new Law on Social Protection, which would enter into force on 1 January 2019, would provide for the development of individual support plans, with the involvement and consent of the persons with disabilities concerned. Case managers would be appointed to assist in the implementation of such plans. There was significant political support for ongoing work to reform the social protection system. Budgetary funds had been earmarked for that purpose and a number of housing units had been set aside to enable independent living.

Articles 11–20

37. **Mr. Buntan** said that it was not clear whether any legal provisions had been adopted requiring the Government to provide support to enable persons with disabilities and their representative organizations to participate in the formulation of policies and laws that affected them or whether organizations not represented on the National Council of Disability Organizations received any technical or financial support for such participation.

38. Turning to article 11, he asked what measures the Government had taken to make disaster risk reduction plans, policies and protocols disability-inclusive and accessible and to bring them into line with the Sendai Framework for Disaster Risk Reduction 2015–2030. He also wished to know what had been done to ensure that emergency hotlines were accessible for deaf persons, deaf-blind persons and persons with intellectual disabilities.

39. He asked what steps had been taken to implement article 19 of the Convention in the context of the deinstitutionalization process, particularly with regard to the development of community-based support services, including personal assistance, to ensure that persons with disabilities could live independently. Many organizations of persons with disabilities

opposed the idea of group homes on the basis that they failed to promote independent living. It would be interesting to hear the State party's views in that regard.

40. **Mr. Ruskus** asked whether measures had been taken to eliminate the derogatory terms used in the Law on Extrajudicial Settlement and the Law on the Family to refer to persons with psychosocial and/or intellectual disabilities, to repeal laws allowing for deprivation of legal capacity and to set up supported decision-making mechanisms that respected the will and preferences of persons with disabilities.

41. He would be interested to hear whether mental health treatments were administered with the free and informed consent of the individuals concerned and whether there were legal safeguards in place to prevent the involuntary committal of persons with psychosocial disabilities and their forced treatment during such deprivation of liberty. Information on the provision of community-based, recovery-oriented rehabilitation and other support services for persons with psychosocial disabilities would be welcome; according to reports, a joint project with the World Health Organization for the establishment of such services had been abandoned. He wondered whether the State party intended, within the Council of Europe, to oppose the draft Additional Protocol to the Convention on Human Rights and Biomedicine, concerning the protection of human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment. Lastly, he wished to know what reasonable accommodation was provided for persons with disabilities, particularly women with disabilities, in detention facilities.

42. **Mr. Pyaneandee** said that it would be useful to have information on how legally incapacitated persons, particularly persons with psychosocial and/or intellectual disabilities and persons with disabilities placed in institutions, accessed the justice system and how those persons could challenge the laws under which they had been deprived of legal capacity. He asked what measures had been adopted to implement the concepts of procedural and age-appropriate accommodation in the justice system. In particular, he wished to know what procedural accommodations were in place with regard to the interrogation, detention and trial of persons with disabilities, in particular psychosocial and/or intellectual disabilities, suspected of committing a crime. Information on the budget set aside, for the past year and for the future, for training on the Convention for judges, legal professionals, prison officers and related staff would be useful. Lastly, he wondered what measures had been taken to enable persons with disabilities to participate, directly or indirectly, in the justice system.

43. **Mr. Lovaszy** asked what percentage of children with disabilities were covered by the network of day-care centres referred to in paragraph 16 of the replies to the list of issues. He also wished to know whether support and funds had been provided for the deinstitutionalization efforts referred to in paragraph 55 of the replies and whether a road map had been developed to guide the process with the involvement of organizations of persons with disabilities.

44. **Mr. Martin** said that the State party should shut all remaining institutional care facilities. Examples of good practices in that regard abounded in other countries. Information on the number and percentage of persons with psychosocial and/or intellectual disabilities currently living in institutions would be useful. He would also appreciate details regarding the quality of life of persons with disabilities placed in institutions and the measures in place to protect their rights. Lastly, he wished to know how persons with disabilities in foster homes were protected from abuse.

45. **Mr. Babu**, following up on questions put under articles 1 to 10, said that he would like to know what specific measures had been taken to protect women with disabilities, in particular those with mental and/or psychosocial disabilities, from gender-based violence, harassment and abuse in institutional settings. He also wished to hear whether disability had been mainstreamed in policies, strategies and action plans aimed at combating gender-based discrimination and, if so, how. He wondered what measures or plans had been adopted to curtail the practice of placing children with disabilities in orphanages and to support alternative family-based care services. Lastly, he would appreciate more information on the penalties applicable for non-compliance with accessibility standards, for example in the construction and transport sectors.

46. **Mr. Langvad** said that he did not understand how one person with a disability was able to advise the Government on all issues that affected persons with disabilities. Were organizations of persons with disabilities able to supplement his input, for example where the deinstitutionalization process was concerned? He wished to point out in that regard that the transfer of persons with disabilities from large institutions to group homes did not constitute a form of deinstitutionalization, as such persons would still be unable to decide for themselves where, how and with whom to live.

47. **The Chair** said that she would appreciate more information on the disability assessment system currently in place in the State party. In particular, she wished to know whether organizations of persons with disabilities had played a role in designing the system; whether it reflected the human rights model of disability; and whether persons with disabilities were actively involved in generating the information on the basis of which assessments were made. It would also be useful to learn whether steps had been taken to ensure that only one assessment method was used, which would lighten the burden on applicants and promote consistency and transparency in decision-making; whether information on assessment requirements was accessible and user-friendly; and whether disability assessment processes were regularly and independently reviewed and scrutinized.

48. It was still not clear what measures had been taken to empower women with disabilities and to combat the multiple and intersectional discrimination they faced. She would be grateful if the delegation could comment further on the rights of women subject to guardianship arrangements and similar forms of legal incapacitation in relation to sterilization and abortion. Could they be subjected to those procedures without their consent? She also wondered what mechanisms were in place to ensure that children with disabilities were consulted on decisions that affected their lives and were able to influence those decisions.

49. It would be helpful to know how many persons with disabilities had been removed from guardianship arrangements since the State party's ratification of the Convention and how many had benefited from supported decision-making services over that period. Had the provision of such services been reviewed and evaluated? She would also like to hear whether the numbers of persons with disabilities who had been subjected to forced interventions in the medical field, women subject to guardianship arrangements who had been sterilized or compelled to undergo abortions and persons with disabilities, particularly children, who had been removed from institutions had increased or decreased since the State party's ratification of the Convention. Statistics on those trends would be most welcome.

50. **Mr. Basharu** asked what measures had been taken to ensure the freedom of movement and personal safety of refugees with disabilities and to protect such persons. He also wished to know what forms of assistance, for example tax incentives, were used to make adapted vehicles more affordable to persons with motor impairments.

51. **Mr. Tatić** said that it was not clear how the Government had determined the number of persons with disabilities who would receive personal assistance and how additional funding would be secured if it transpired that a larger number of persons with disabilities required such assistance. He would be grateful if the delegation could provide examples of specific cases in which penalties had been imposed for non-compliance with accessibility standards. Regarding the public consultation process referred to by the delegation, it would be useful to learn what measures had been taken to enable grass-roots organizations of persons with disabilities to take part alongside more established representative organizations. Lastly, he wished to know whether it was still the case that, contrary to the practice at most other European airports, wheelchair users who took flights leaving from Skopje International Airport had to be removed from their own wheelchairs before boarding.

52. **Mr. Buntan** asked whether the State party planned to incorporate rules on accessibility into public procurement processes, whether persons with disabilities faced any obstacles, for example legal restrictions, that prevented them from accessing banking services and receiving an inheritance and, if they did, what measures would be taken to improve the situation.

The meeting was suspended at 5.15 p.m. and resumed at 5.30 p.m.

53. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that the transfer of persons with disabilities from large institutions to small group homes represented a first step towards deinstitutionalization. The ultimate aim of the deinstitutionalization process was to facilitate independent living. Small group homes were most appropriate for younger children without parental care. Persons living in institutions who would prefer to live independently were able to do so, and individualized care plans were drawn up for them.

54. The Government was introducing a system of gender budgeting under which the implementation of all programmes and strategies would be measured against gender indicators. The Ministry of Labour and Social Policy was working with a United Nations agency on a new project to address gender issues in relation to disability. Gender indicators were being developed for the new bill on budgeting.

55. **Mr. Trkaljanov** (The former Yugoslav Republic of Macedonia) said that, although he was consulted on the adoption of policies that would affect persons with disabilities, he recognized that he could not speak on behalf of all such persons. For that reason, the Government consulted other persons with disabilities and their representative organizations in order to ensure that proposed laws and policies would benefit them.

56. Skopje International Airport was currently not as accessible to persons with disabilities as many other airports in Europe. Wheelchair users were not able to remain in their own wheelchairs for the duration of their passage through the airport. There was a need to introduce comprehensive disability awareness training for airport personnel. Regarding the accessibility of buildings, large fines were imposed for failure to comply with relevant standards in construction projects.

57. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that a bill on public procurement had passed the second reading, while there were plans to introduce new public procurement arrangements for organizations operating in the social service, health-care and cultural sectors. Further details would be provided in writing.

58. **Ms. Krstevska** (The former Yugoslav Republic of Macedonia) said that steps were being taken to replace the current disability assessment system, which was based on a medical model of disability. The International Classification of Functioning, Disability and Health (ICF) was gradually being introduced as a disability assessment tool. It had been translated into Macedonian, and training courses on its provisions had been organized for psychologists and education professionals. The next step would be to conduct a pilot project to introduce the ICF system in a small number of municipalities.

59. The current disability assessment system was unsatisfactory for a number of reasons, including the exclusion of parents, children and education professionals from decision-making. The Government fully recognized the need for reform. The Prime Minister had recently affirmed the Government's clear commitment to the introduction of the ICF system.

The meeting rose at 5.45 p.m.

United Nations CRPD/C/SR.416

Convention on the Rights of Persons with Disabilities

Distr.: General
5 October 2018

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Committee on the Rights of Persons with Disabilities

Twentieth session

Summary record of the 416th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 11 September 2018, at 10 a.m.

Chair: Ms. Degener

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of the former Yugoslav Republic of Macedonia (*continued*) (CRPD/C/MKD/1; CRPD/C/MKD/Q/1 and CRPD/C/MKD/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of the former Yugoslav Republic of Macedonia took places at the Committee table.*

Articles 11–20

2. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia), continuing his delegation's replies to questions put at the previous meeting, said that the Constitution guaranteed disaster protection and rescue services for all citizens, without discrimination. The Protection and Rescue Directorate was responsible for conducting safety-related activities and issuing early warnings for hazards and natural disasters. For the purposes of evacuation procedures, there were several priority categories of person, one of which included persons with disabilities; however, more needed to be done for such persons. The Government had issued recommendations on measures to enhance protection for persons with disabilities, such as amending legislation, promoting preparation measures and conducting training exercises. The Directorate had provided training to some 40 individuals responsible for the safety of persons with disabilities. In addition, it had established a national database containing contact details for persons with disabilities and the associations and centres providing services to them. Regrettably, there was no separate emergency number for persons with disabilities; the regular number covered all segments of the population.

3. In the absence of more precise data, the number of children with disabilities attending day-care centres could be measured indirectly from the number of children and young people up to the age of 26 years with disabilities who were in receipt of a special allowance for the reimbursement of day-care costs, currently 7,295. In 2017, the Ministry of Labour and Social Policy had begun to develop a national database containing information on the gender and place of residence of children with disabilities and the type and degree of disability that each child lived with. Where possible, children with disabilities would no longer be placed in State-owned institutions, and the number of children living in such facilities had dropped from 26 in August 2017 to 16 in August 2018. The reduction was due in part to the transfer of seven children with intellectual disabilities from institutional care to small group homes established in mid-2018. A further three children had left the Institute for rehabilitation of children and youth in Skopje: one had returned to the family home and two had gone to live with foster families. Between 2000 and 2018, almost 100 persons with disabilities, including children, had been moved to foster homes or small group homes.

4. One of the key goals of the National Strategy on Deinstitutionalization for 2018–2027 was to promote independent living for persons with disabilities. In that connection, the Government's priorities included support for children returning to their biological families or being transferred to foster families. The Ministry of Labour and Social Policy and other State bodies were in the process of developing new individualized services for persons with disabilities, including the provision of personal assistance and support for persons living in their own homes. Many persons with disabilities would be moved to small group homes accommodating a maximum of five people. Quality of life in group homes was of paramount importance; staff were fully trained and monitoring mechanisms were being developed. The main aim of small group homes was to facilitate the participation of persons with disabilities in community activities and their access to educational, health-care and cultural services.

5. The authorities had worked in cooperation with experts from Slovenia to establish methodologies and costs for the provision of a number of independent living services, including personal assistance and accommodation in rehabilitation centres. In 2018, the first management contract for such services had been put out to public tender. The transfer

of persons with disabilities to new living environments would be conducted in accordance with their wishes and those of their families. The Government had made 10 residential units in 10 cities available for persons living in institutions. When State-owned apartments were allocated to persons with disabilities, care was taken to ensure they were not concentrated in the same communities.

6. The former Yugoslav Republic of Macedonia was the first country in the region to have set aside a separate budget line for deinstitutionalization. In 2018, some 29.1 million denars (Mden) had been earmarked for that budget line, and that figure would increase substantially in 2019. The development of services in local communities had been allocated more than Mden 169.1 million. The figures clearly demonstrated the State's commitment to deinstitutionalization. Funding from the European Union for services in local communities had totalled €2 million in 2018; negotiations were ongoing to replace grant support with budget support for 2019.

7. **Mr. Trkaljanov** (The former Yugoslav Republic of Macedonia) said that, in 2018, the Ministry of Labour and Social Policy had allocated over Mden 17 million over six months for personal assistance services. In 2019, the provision of such services for persons with severe disabilities and blind persons would become a statutory requirement; persons with intellectual disabilities would be included at a later stage. The personal assistance programme was intended to support independent living and enable people to make their own decisions about their lifestyle and social activities. Personal assistants would be made available for up to 20 hours per week according to individual needs. Beneficiaries would receive help with physiological needs, household chores and matters relating to education or employment, for example. The tasks to be performed would be selected by the beneficiaries. In order to access the personal assistance programme, applicants had to be nationals of the former Yugoslav Republic of Macedonia and be aged between 18 and 64 years. Children under the age of 18 years could be provided with educational assistants. Persons aged over 64 years could benefit from a care-at-home programme that was under development. Non-governmental organizations (NGOs) or other entities providing personal assistants had to meet the relevant employment conditions and performance requirements. When a new assistant was assigned, there was a 30-day transition period to allow the beneficiary to establish a working relationship with that person. The quality of the services provided was monitored through evaluations at six-month intervals.

8. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that the public tender for NGOs to provide personal assistance services had generated very few applications, only a small number of which had met the required standards. There was thus a need for additional training for civil society organizations and public institutions to build capacity in that area.

9. **Mr. Kostovski** (The former Yugoslav Republic of Macedonia) said that the revised Law on Health Insurance was expected to be adopted in October 2018. The most important amendment to the Law with respect to persons with disabilities was the elimination of the prerequisite of six months' contributions in order to be entitled to request orthopaedic aids and devices. In addition, individuals would have the option of purchasing higher-quality devices approved by the Health Insurance Fund and paying the difference in price. Another amendment would exempt certain groups of persons with disabilities, including persons with intellectual disabilities living in institutions and children with intellectual disabilities who lacked parental support, from payment of State health-care contributions.

10. Regrettably, the advancement of women's rights in the country had suffered a setback in the previous decade, but the new Government was taking measures to address the situation. For instance, a working group made up of representatives from the Government and civil society organizations was drafting a new law on informed consent to abortion for women with disabilities. Three crisis centres and one shelter had been opened for victims of sexual violence, offering services that had been specifically designed with gender- and disability-related issues in mind.

11. **Ms. Krstevska** (The former Yugoslav Republic of Macedonia) said that the Directorate for the Execution of Sanctions was taking steps to ensure that the 12 prisons it administered were accessible for persons with disabilities. A new scheme had been

launched in August 2018 to install access ramps at each of the prisons by the end of 2020. By the end of 2023, all of the facilities would have accessible cells adapted to the everyday needs of prisoners with disabilities. Currently, prisoners with disabilities were being transferred to serve their sentences at institutions where such reasonable accommodation had already been made. At one prison, a separate section for women inmates, complete with access ramps and cells designed for persons with disabilities, was scheduled to be added during the next construction phase.

12. **Ms. Geleva** (The former Yugoslav Republic of Macedonia) said that her Government did not intend to sign and ratify the draft Additional Protocol to the Council of Europe Convention on Human Rights and Biomedicine, concerning the protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment, because it violated crucial articles of the Convention on the Rights of Persons with Disabilities.

13. The country's academy for the training of judges organized regular sessions on international human rights instruments, including the Convention. In collaboration with the NGO Polio Plus — Movement against Disability, two specialized training courses on issues related to the rights of persons with disabilities had been held for judges and public prosecutors, with a further two sessions scheduled to take place before the end of the year. The academy also published collections of judgments of the European Court of Human Rights on the subject of discrimination, including disability-based discrimination.

14. Data on access to justice for persons deprived of legal capacity were currently unavailable; the delegation would endeavour to ensure that such statistics were included in the next periodic report. The Constitution guaranteed access to justice for all citizens, including the right to file complaints against acts or omissions of State institutions. Access to protection of rights in court proceedings, the right to appeal, the right to other legal remedies and the right to a fair trial were also guaranteed by law. Persons with disabilities who found their access to justice restricted could call on the Commission for Protection against Discrimination. In principle, beneficiaries of disability benefits who did not receive a salary or income from immovable property were entitled to free legal aid. However, the Law on Free Legal Aid had proved to be ineffective and the Ministry of Justice was therefore working on less cumbersome legislation that was in line with European standards. Furthermore, despite the construction of a new criminal court in Skopje that was accessible for persons with disabilities, there was still much work to be done to improve the accessibility of court buildings.

15. The delegation agreed that some of the language used in the Law on Extrajudicial Settlement and the Law on the Family was inappropriate. The National Coordination Body for Implementation of the Convention would be tasked with reviewing the two laws to ensure that the terminology used was in line with the Convention.

16. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that the Law on Prevention of and Protection against Domestic Violence had been adopted in 2015; five by-laws had subsequently been adopted to implement the Law and provide for monitoring of the measures taken to combat domestic violence. Under the legislation, professionals who came across cases of domestic violence must take urgent action, especially when the victims were children, older persons, or persons unable to look after themselves or with limited legal capacity. Facilities to accommodate victims were being improved; the three crisis centres opened in 2018 were fully adapted to the needs of persons with disabilities. Following the country's ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, a review of relevant national legislation was being conducted.

17. The country's psychiatric institutions were in poor condition and lacked necessary equipment. In addition, there was a lack of prevention and rehabilitation programmes, family assistance and support to help persons with mental disabilities become active participants in the community. The mental health services system did not function properly because it was not sufficiently connected to local communities or other health-care systems. There were three psychiatric institutions in the country with a total of 1,200 beds, while psychiatric clinics in hospitals in Skopje offered a further 55 beds. The only facilities for

children and adolescents were found at the university psychiatry clinic in the capital. The system was beset by challenges, not least a lack of education with regard to treatments for mental health conditions. The Government had therefore launched a new national strategy on mental health.

18. **Mr. Kostovski** (The former Yugoslav Republic of Macedonia) said that the process of decentralizing the mental health system had stagnated after 2007. It was hoped that the new national strategy would produce significant improvements in the capacity of the mental health services system through the strengthening of existing mental health centres, the opening of new centres in major cities and the construction of several specialist centres for children and young people.

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19. **Mr. Chaker** asked whether the social protection measures taken by the State party were sufficient to ensure an adequate standard of living for persons with disabilities. He also wished to know whether the State party's new Government had a plan for fighting poverty among persons with disabilities.

20. **Mr. Martin** said that he wondered whether the State party provided public information in Easy Read format for persons with intellectual disabilities. He also wondered what the Government was doing to improve the health outcomes of persons with such disabilities, especially those living in institutions.

21. **Mr. Kim** Hyung Shik asked what percentage of persons with disabilities were employed, whether the wages of workers with disabilities enabled them to make a decent living and whether such workers had stable, regular employment. It would be interesting to know why most prospective employers were reluctant to hire persons with disabilities and whether the State party had taken the kinds of awareness-raising measures enumerated in article 8 of the Convention to reach out to employers. The delegation should indicate what steps that had been taken to ensure that persons with disabilities enjoyed opportunities for work and employment on a basis of equality with others.

22. He wondered what had been done to ensure the systematic collection of relevant disability data and whether organizations of persons with disabilities had been consulted about efforts to collect such data. Lastly, he wished to know how international cooperation facilitated the implementation of the Convention in the State party and to what extent persons with disabilities were involved in international cooperation projects.

23. **Mr. Tatić** said that he would welcome an indication of the support provided by the Government and institutions of higher learning to students with disabilities. It would be interesting to learn, for example, what forms reasonable accommodation took in the State party's universities, whether sign language interpretation was available and whether books could be found in Braille or other accessible formats. Similarly, he wondered whether unemployed persons with disabilities were offered the training opportunities that would enable them to compete in the open labour market. Lastly, he would appreciate a comment from the delegation on the accessibility of the State party's cultural attractions.

24. **Mr. Ishikawa** asked whether the State party had developed an official qualification and accreditation system for sign language interpreters and whether there were programmes in place to help such interpreters hone their skills. He would welcome information on the training programmes for teachers that would make it possible to ensure that more children with disabilities attended inclusive schools. In that connection, he wondered whether the State party, further to the Law on Primary Education and the Law on Secondary Education, had developed a plan to provide personal assistance services for pupils with disabilities.

25. The delegation should indicate how many people in the State party were deprived of the right to vote under the provision of the Election Code stating that only adult citizens who were able to work were entitled to vote. It should also indicate when the State party intended to restore the civil rights of persons with disabilities who had been disenfranchised as a result of that provision. In the same connection, he wondered what specific steps had been taken to ensure that polling stations were accessible to persons with disabilities, that such persons could cast their votes independently and that ballots were secret.

26. Information about the current status and expected date of establishment of the independent mechanism for monitoring the implementation of the Convention, which, he understood, was to operate within the Ombudsman's Office, would be welcome. In particular, it would be interesting to know what efforts had been made to ensure that persons with disabilities participated in the mechanism's work.

27. **Mr. Langvad** asked what steps the State party intended to take to ensure that all adult citizens had the right to vote and that all persons with disabilities had access to free health services, including the assistive devices that would enable them to live healthy lives. He also wished to know what safeguards would be put in place to protect the sexual and reproductive rights of women and girls with disabilities and what measures would be adopted to ensure that the facilities where they could exercise those rights were accessible to them.

28. In addition, he wondered how the authorities would ensure that the National Coordination Body for Implementation of the Convention included organizations of all kinds of persons with disabilities and that such persons were also involved in the work of the monitoring mechanism. Lastly, he asked how the authorities planned to make certain that reasonable accommodation was provided for persons with disabilities when they entered the labour market.

29. **Mr. Basharu** asked whether the State party intended to amend the Law on Employment of Persons with Disabilities to remove the objectionable terminology it used and to prevent the spouse, parent or guardian of a worker with a disability from withdrawing the worker's salary from his or her bank account. The State party should reconsider the discriminatory constitutional provision stating that persons who were unable to work were not allowed to vote. It should also ensure that the procedures followed to enable persons with disabilities to vote did not compromise their right to cast a secret ballot.

30. **The Chair** said that she wished to know whether the State party would consider recognizing sign language as one of its official languages and promoting its use. She would welcome a clarification of the delegation's reply to the question she had put previously as to whether a woman's guardian could decide, without obtaining her consent, whether she had an abortion or was sterilized. She wondered whether a person with an intellectual or psychosocial disability who wished to marry was required to produce a clean bill of genetic health. Lastly, she wished to know whether the State party's independent monitoring mechanism would be compliant with the Paris Principles.

31. **Mr. Babu** (Country Rapporteur) said that he would welcome more information on the measures taken by the State party to provide accessible, gender-sensitive, mainstream and high-quality health-care services to people with disabilities, especially women and children. It would be particularly interesting to hear about the financial resources and training that were provided to facilitate the implementation of those measures.

32. With regard to article 27, he wished to know how the State party reconciled article 6 of the Law on Labour Relations, which prohibited discrimination against persons with disabilities, and the Law on Civil Servants, which stated that public sector workers had to meet a general health requirement. He wondered how many persons with disabilities were employed in the public sector.

The meeting was suspended at 11.40 a.m. and resumed at noon.

33. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that the social welfare benefits that persons with disabilities in his country were entitled to were as generous as or more generous than those that any other population group might receive. The monthly benefit for persons with disabilities was equal to the monthly minimum wage. As a result, beneficiaries had an incentive not to seek work. Preparation of a major reform of the social welfare system was under way. The public would be invited to comment on the planned reform, which would include amendments to the Law on Social Protection. A proposal had been made to introduce a minimum income for all families.

34. **Ms. Krstevska** (The former Yugoslav Republic of Macedonia) said that her country did not have an abundance of reading and other educational materials for persons with

intellectual disabilities. Such materials as were available had been developed by organizations of parents of children with intellectual disabilities. The authorities were well aware that more needed to be done in that regard.

35. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that, according to recent data from the country's Employment Service Agency, nearly 2,400 persons with disabilities were employed by some 200 companies in the country's sheltered employment sector. Approximately 1,300 workers with disabilities, of whom 428 were women, had registered as jobseekers. Several hundred persons with disabilities had been given support, including grants, to start their own businesses. Women with disabilities who worked were paid less than their male counterparts, but that disparity was hardly unique to workers with disabilities.

36. Statistics on persons with disabilities employed in the private and public sectors were not readily available. An attempt to amend the Law on Employment of Persons with Disabilities with a view to introducing a quota system had met with considerable resistance and had ultimately been abandoned. Nonetheless, a number of rehabilitation and training projects had been launched with the support of chambers of commerce and employers' organizations.

37. Standards on vocational rehabilitation had been drafted recently and, in 2018, the Government had begun putting the finishing touches to facilities that would operate as rehabilitation centres. The first such centre was set to open in the city of Strumica. The Law on Labour Relations would be amended to include provisions on rehabilitation, but even under current law funds were available to ensure that workers with disabilities were provided with reasonable accommodation. Efforts would be made to improve the sharing of disaggregated disability data by relevant government institutions, including the social welfare authorities and the Employment Service Agency.

38. The country worked with a number of international partners, including other countries and United Nations agencies. Joint cooperation projects had focused, for example, on empowering persons with disabilities and thereby enabling them to find employment.

39. **Ms. Krstevska** (The former Yugoslav Republic of Macedonia) said that assistive technology had been introduced relatively recently in her country. Awareness-raising for the public, teachers, parents and persons with disabilities themselves regarding the opportunities for using such technology had begun in 2006. Between 30 and 50 regular primary schools had been equipped with assistive devices, such as special keyboards, for pupils with disabilities, first and foremost those with physical disabilities and visual impairments. Teachers were provided with ongoing training on how to use such technology in their teaching to improve pupils' academic results. The Open the Windows organization had a mission to develop assistive technologies and educate teachers, children with disabilities and their parents about its use. A project had recently been completed, in cooperation with the Ministry of Education and funded by the United States Agency for International Development (USAID), to equip schools and kindergartens with assistive technology. Materials and guidebooks had been printed to facilitate the use of the technology. A project to equip free internet cafes across the country with adapted computer stations for persons with disabilities had been completed.

40. Since 2009, Macedonian Sign Language had been recognized as an official language that could be used in everyday life. Under the relevant law, deaf persons were entitled to call on the services of a sign language interpreter in any dealings with a State institution. However, implementation of the legislation was unfortunately not satisfactory. The Association of the Deaf and Hard of Hearing used government funding to train new sign language interpreters, as there was a shortage of qualified interpreters. One of the Association's goals, shared by the Government, was the standardization of Macedonian Sign Language.

41. **Ms. Jancheva** (The former Yugoslav Republic of Macedonia) said that the Ministry of Education and Science had organized training for teachers as part of the programme for inclusive schools initiated in 2014 in 31 primary schools. The training programme, run in cooperation with the United Nations Children's Fund (UNICEF), comprised three modules: "The vision and concept", "Working together to organize inclusive education" and

"Creating an inclusive environment". A range of materials, textbooks and online training courses for teachers had been developed in partnership with the Bureau for the Development of Education between 2014 and 2017, and guidelines had been drawn up on how to organize the work of inclusive teams. In addition, manuals had been published to support pupils with special educational needs. Another useful tool for teachers was the manual for the formative assessment of pupils, especially those with learning difficulties.

42. In 2017, a programme had been adopted for the early detection of children with learning difficulties and special educational needs in primary education. In 2018, 100 teachers would receive training in that area and would go on to train their colleagues. Since 2016, schools had had an obligation to draw up individual educational plans for every pupil with a learning difficulty. Under a programme run in partnership with the United Nations Development Programme, a total of 180 personal and educational assistants had been employed and a further 300 would be recruited in 2018.

43. **Ms. Krstevska** (The former Yugoslav Republic of Macedonia) said that, although work on developing inclusive education had begun some 20 years earlier, results had been slow. Although by law parents had the right to enrol a child with a disability in either special or mainstream education, and there were no obstacles to children with disabilities attending mainstream schools in theory, the level of support for pupils and parents was insufficient in practice. The revisions to the Law on Primary Education that were currently being drafted would explicitly prohibit discrimination on the grounds of level of functionality. Special educators and rehabilitators had been introduced in schools in 2011 and were now working in 20 per cent of mainstream primary and secondary schools. The Government had undertaken to ensure that every school in the country would have such specialists on staff. The 2018–2025 education strategy placed strong emphasis on inclusive education.

44. **Ms. Geleva** (The former Yugoslav Republic of Macedonia) said that there appeared to have been a misunderstanding concerning the voting rights of persons with disabilities owing to the mistranslation of the term "legal capacity" in certain documents. Under article 22 of the Constitution, every citizen on reaching 18 years of age acquired the right to vote; persons deprived of legal capacity did not have the right to vote. There was a similar provision in the Election Code. No reference was made in either text to "work capacity". Arrangements were made to ensure that persons with disabilities could exercise their right to vote and to ensure the secrecy of ballots. A simple system was in place to ensure that blind persons could vote without assistance. Persons with disabilities living in residential institutions were entitled to vote provided that they had legal capacity; they received their ballots directly at the institution the day before the election.

45. **Mr. Trkaljanov** (The former Yugoslav Republic of Macedonia) said that an agreement had been concluded with the airport operations company to ensure that accessibility standards were fully met at Skopje International Airport and other airports. However, there were problems with adherence to procedures for assisting persons with disabilities, along with a lack of suitable equipment. Training on assisting persons with disabilities was provided and well attended. When it came to rail transport, special platforms had been designed to facilitate access to trains for persons with disabilities. Although city buses were completely accessible, there was still a need to raise awareness among bus drivers of the requirements of persons with disabilities. Persons with disabilities received financial support to acquire assistive devices and aids.

46. **Ms. Krstevska** (The former Yugoslav Republic of Macedonia) said that, since 2008, students with disabilities had been exempt from paying university fees. As from 2005, provision had been made for sign language interpretation services in universities. Students with disabilities in Skopje were entitled to transportation from their home to the university in a specially adapted van. The Ministry of Labour and Social Policy provided a personal assistance service for students who required it. On-campus accommodation was available to students with disabilities free of charge and scholarships were offered to vulnerable categories of students, including persons with disabilities.

47. **Mr. Dodevski** (The former Yugoslav Republic of Macedonia) said that the Government had included an increased number of representatives of organizations of

persons with disabilities in the National Coordination Body for Implementation of the Convention, including one member of the umbrella disability organization. The suggestion that representatives of organizations of all types of persons with disabilities should be included in the membership and administrative staff of the monitoring body would be conveyed to the relevant authorities.

48. **Ms. Geleva** (The former Yugoslav Republic of Macedonia) said that the necessary legislative measures had been taken several years earlier to ensure that the Ombudsman's Office met the requirements of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions and was thus in compliance with the Paris Principles. It was now for the Ombudsman's Office to apply for such accreditation.

49. **Mr. Tomsic** (The former Yugoslav Republic of Macedonia) said that replies would be provided in writing to the outstanding questions. The Committee's recommendations would be considered by the National Coordination Body for Implementation of the Convention and shared with the relevant ministries with a view to bringing about improvements in the situation of persons with disabilities in the former Yugoslav Republic of Macedonia.

50. **Mr. Babu** said that the Committee was grateful to the delegation for the productive dialogue and the State party's good intentions and positive attitude when it came to implementing the Convention. There were obviously gaps in the State party's legislation and policies with regard to the domestication of the Convention, and it was to be hoped that the new law on social policy would address some of them. It was important for the Government to undertake to collaborate, coordinate and consult with persons with disabilities and their representative organizations on all actions aimed at promoting the rights of persons with disabilities in the country, as that was the only way to bring about meaningful change. He hoped that the Government would give due regard to the Committee's concluding observations and would make available the necessary human, financial and other resources to implement them.

51. **The Chair** thanked the delegation for the truly constructive dialogue, which she hoped would help to improve implementation of the Convention in the State party.

The meeting rose at 12.55 p.m.

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Twentieth session

Summary record of the 417th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 11 September 2018, at 3 p.m.

Chair: Ms. Degener

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Initial report of Malta

* Reissued for technical reason on 1 October 2018.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Malta (CRPD/C/MLT/1; CRPD/C/MLT/Q/1 and CRPD/C/MLT/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Malta took places at the Committee table.*

2. **Mr. Sultana** (Malta), introducing his country's initial report (CRPD/C/MLT/1), said that the report had been drafted in consultation with various government departments and entities, as well as with civil society and persons with disabilities. One major step in the implementation of the Convention had been the establishment of the Office for Disability Issues, which was tasked with managing and coordinating policy implementation, fostering a dialogue with stakeholders and ensuring consultation with persons with disabilities and their representative organizations. The Office was also responsible for disability-related research and for implementing, monitoring and updating the forthcoming National Disability Strategy.

3. The Government had also created an Autism Advisory Council, which was charged with drafting a national autism strategy and ensuring it was in line with relevant standards. The Council had organized the country's first autism spectrum town hall meeting, which had enabled young people with autism to discuss their concerns with members of the Council and the Parliamentary Secretary for the Rights of Persons with Disability. The Government had also established a Sign Language Council and was providing funding for the first sign language interpreting course at the University of Malta. It was in the process of developing a plan to increase and retain human resources in that field over the long term.

4. In line with article 12 of the Convention, the Government had drafted the Personal Autonomy Bill, which would replace the substitute decision-making model under the existing guardianship regime with a model that recognized the legal equality of persons with disabilities. The Government was currently conducting a public consultation on the bill in order to ensure that appropriate feedback was received from a range of stakeholders, including persons with disabilities themselves. It had also sought advice from the United Nations Special Rapporteur on the rights of persons with disabilities. Furthermore, the Government had strengthened its Personal Assistant Fund and Independent Community Living Scheme and planned to set up an independent living fund. Agenzija Sapport, the national service provision agency for persons with disabilities, was implementing training projects aimed at promoting the inclusion and employment of persons with intellectual disabilities.

5. The Government was committed to improving accessibility and had incorporated universal design into its regulations for the built environment and introduced guidelines on accessible tourism. The Government also placed great importance on sensorial accessibility, particularly in the school environment. Malta had made the European Accessibility Act a priority when it had held the presidency of the Council of the European Union in 2017, and the Government had worked to promote accessibility at both the European and national levels. The Government was also in the process of incorporating into national law the European Union legislation on the implementation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled and the European Union directive on the accessibility of the websites and mobile applications of public sector bodies.

6. The system for assessing persons with disabilities was being streamlined with a view to putting in place a single, functioning-based assessment mechanism. Under the new system, regular reviews would be conducted, and individuals would have a right of appeal; the system would also ensure that those who would otherwise be excluded from an impairment-based system were included in the assessment process. In addition, the system would facilitate the collection of data for a national disability register, in keeping with the Convention and current data protection regulations. The data would be tabulated and disaggregated in line with recognized standards. Discussions were under way with a view to ensuring that surveys and

censuses were conducted in accordance with the criteria of the Washington Group on Disability Statistics.

7. In terms of other policy and legislative developments, a public consultation concerning the new draft inclusion policy for schools would soon begin, and under forthcoming amendments to the Education Act, the Directorate for Quality and Standards would be tasked with monitoring inclusion of persons with disabilities in the education sector. The new Social Care Standards Authority Act provided for the establishment of a new oversight body whose remit included monitoring of residential services for persons with disabilities. The recently enacted Gender-Based Violence and Domestic Violence Act specifically addressed the needs of women and girls with disabilities. Psychosocial care and other support was available to women and girls with disabilities who had been victims of violence.

8. The Equality Bill currently before Parliament paid particular attention to the issue of multiple and intersectional discrimination. The Human Rights and Equality Commission Bill, also currently before Parliament, would provide for the establishment of the country's national human rights institution. The Commission for the Rights of Persons with Disabilities would be represented on the Human Rights and Equality Commission. Lastly, the Government had increased the funding allocated to the disability sector by €5 million in 2018, bringing the total allocation to €20 million.

9. **Mr. Pyaneandee** (Country Rapporteur) said that the Government's legislative efforts to implement the Convention were commendable, in particular the Equal Opportunities (Persons with Disability) Act, the Sign Language Recognition Act, and the Persons within the Autism Spectrum (Empowerment) Act. However, a medical model of disability persisted in Malta, as evidenced by the country's impairment-based disability assessments. He would like to know how the State party intended to move away from the medical approach. Furthermore, little had been done to address the issue of intersectional discrimination, and there was no system for documenting complaints and no redress mechanism. There were also no legal provisions governing the accessibility of information and of information and communications technology, nor were there any measures in place to provide procedural and age-appropriate accommodations. In addition, the Personal Autonomy Bill did not appear to address the issue of supported decision-making. Another serious source of concern was the practice of involuntary detention under the Mental Health Act. Moreover, persons with disabilities still faced difficulties in finding work, education was not fully inclusive and there was little awareness of the economic, social and cultural benefits of inclusive education for persons with disabilities. Lastly, while he welcomed the establishment of the national Commission for the Rights of Persons with Disability, he had serious concerns about its methods of appointment and the level of representation of persons with disabilities.

Articles 1–10

10. **Mr. Kabue** asked what steps had been taken to finalize and adopt the new National Disability Strategy. He also wished to know what progress had been made in combining the different disability assessments into one so that persons with disabilities did not have to undergo multiple assessments. Noting the Government's electoral pledge regarding the representation of persons with disabilities on all major government boards, he asked how many persons with disabilities were currently sitting on such boards. The Government had indicated in its replies to the list of issues (CRPD/C/MLT/Q/1/Add.1, para. 48) that most disability-based complaints were solved amicably; he wondered how effective that approach was and whether it served to deter recurrent discriminatory practices. He also wondered what affirmative action had been taken to protect and empower women and girls with disabilities.

11. **Mr. Buntan** said that he would welcome information on government support, be it financial or technical, for the participation of persons with disabilities and their representative organizations in the formulation, implementation and monitoring of policies concerning their rights and the implementation of the provisions of the Convention. The State party was to be commended for having adopted the Equal Opportunities (Persons with Disabilities) Act and for its work on accessibility. He wondered, however, whether failure to provide reasonable accommodation was explicitly defined as a form of disability-based discrimination and, if so, whether complaints and redress mechanisms had been set up. He would also like to know

whether most complaints involving reasonable accommodation were resolved amicably, whether there were sanctions for non-compliance with accessibility requirements and whether any measures had been taken to improve accessibility through the public procurement policy.

12. **Mr. Langvad** said that he would like to know whether the State party intended to work to bring the proposed European Union directives on the approximation of the laws, regulations and administrative provisions of the member States as regards the accessibility requirements for products and services and on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation into line with the Convention. He would also like to know whether the Access for All guidelines referred to in paragraphs 46 and 49 of the State party report were applied to the public and private sectors and to the transport industry. Further information on the State party's progress in implementing the European Union directive on the accessibility of the websites and mobile applications of public sector bodies would be welcome. Lastly, he wondered whether the State party intended to withdraw its interpretative declaration regarding article 25 (a) of the Convention.

13. **Mr. Chaker** asked whether the State party had set up a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and whether the Government had launched any campaigns to raise awareness regarding persons with disabilities and their rights.

14. **Mr. Martin** asked whether training on the rights of persons with disabilities was provided to government officials and actors in the justice system and the media. If not, were there plans to introduce such training?

15. **The Chair** said that she would like to know whether organizations of persons with disabilities had been involved in designing the new disability assessment system, whether the human rights model of disability was incorporated into the system and whether applicants were actively engaged in generating the information on which assessments were based. It would be interesting to hear whether multiple methods of assessment had been eliminated to reduce the burden on applicants and to promote consistency and transparency. She would also like to know whether information on assessment requirements was accessible and user-friendly and whether the assessment process was subject to regular independent reviews. Lastly, she wished to know the State party's position on the draft Additional Protocol to the Council of Europe Convention on Human Rights and Biomedicine (Oviedo Convention) concerning the protection of human rights and dignity of persons with mental disorder with regard to involuntary placement and involuntary treatment.

16. **Mr. Basharu** asked whether the State party intended to reconsider its reservations to article 29 (a) (i) and (iii) of the Convention. The Committee would welcome additional information on any measures, including legislative and policy measures, adopted to prevent multiple and intersecting forms of discrimination against women and girls with disabilities and to create a society that was fully inclusive of that population group, in particular in the fields of health, education, housing, employment, participation in sports and recreational activities and social life, ensuring respect for their dignity. Noting that the current reasonableness test focused mainly on the financial implications of employing persons with disabilities, he asked whether the State party might consider re-examining the concept of reasonable accommodation.

17. **Mr. Lovászy** said that he would be grateful if the delegation would elaborate on the statement in paragraph 80 of the State party's replies to the list of issues to the effect that, during 2017, no official complaints had been received by the Broadcasting Authority relating to the portrayal of disability and therefore no action had been taken in that regard. More information on the planned amendments to relevant legislation and meaningful consultation with stakeholders, referred to in paragraph 81 of the replies to the list of issues, would also be welcome.

18. **Mr. Pyaneandee** asked whether a system had been put in place that allowed children with disabilities to freely express themselves regarding issues affecting their daily lives. He wondered whether the Government had worked with organizations of persons with

disabilities to disseminate the Committee's general comments and how much budgetary funding had been allocated for awareness-raising activities in 2017 and 2018.

The meeting was suspended at 3.45 p.m. and resumed at 4.15 p.m.

19. **Mr. De Gaetano** (Malta) said that, in line with the its electoral pledges, the Government intended to launch the National Disability Strategy by the end of 2018, following further consultation with organizations of persons with disabilities. A unified disability assessment system was being introduced to ensure respect for the dignity of persons with disabilities and to reduce red tape for both applicants and the administrative agency concerned. Academics and organizations of persons with disabilities had been involved in the development of the new system. The Government's aim was to eliminate multiple methods of disability assessment and to ensure that all disability-related policies and legislation were underpinned by the human rights model of disability. Information on assessment requirements would be accessible and user-friendly, in line with the "nothing about us without us" principle.

20. As noted in the replies to the list of issues, a formal consultation mechanism was being set up within the Office for Disability Issues. The Commission for the Rights of Persons with Disability had established several committees, including a consultative committee for persons with intellectual disabilities, that consulted with persons with disabilities regarding all laws and policies, as required by the Equal Opportunities (Persons with Disability) Act. The Commission for the Rights of Persons with Disability carried out independent monitoring of the implementation of the Convention. The legislation establishing the Human Rights and Equality Commission, which would function as the national human rights institution, was currently before Parliament. The Commission would be fully in line with the Paris Principles. The Commissioner for the Rights of Persons with Disability would be involved in the work of the new body, as would representatives of organizations of person with disabilities.

21. The Government was keen to strengthen the participation of persons with disabilities in the formulation and drafting of laws and policies, and to that end was working with the Malta Federation of Organizations of Persons with Disability and other organizations to explore ways to improve dialogue with civil society. It was also working with specific groups of persons with disabilities. Recent consultations with the deaf community had taken place, for example, and had resulted in government funding for the training of sign language interpreters and trainers. Maltese Sign Language was one of the country's three official languages. Further collaboration with civil society was supported under a scheme whereby government employees could be seconded on a full-time basis to a civil society organization for persons with disability, with the Government continuing to pay their wages.

22. The Government had fulfilled its commitment to appoint persons with disabilities to the boards of major government bodies and had gone beyond the scope of its electoral pledge and appointed persons with disabilities to the boards of numerous other entities. There were currently persons with disabilities serving on government boards in the arts, broadcasting, transport, housing, education and employment sectors. In several cases, persons with disabilities chaired those boards.

23. Whenever a complaint of disability-based discrimination was brought before the Commission for the Rights of Persons with Disability, the first step was always to initiate a mediation process, through which many complaints were resolved. Where mediation failed, other dispute resolution mechanisms, such as arbitration, could be employed, or the matter could be taken before the civil courts, with the Commission appearing as a party to the complaint where necessary. The Equal Opportunities (Persons with Disability) Act provided for reasonable accommodation, and failure to provide such accommodation in fields such as education, health and employment was considered a form of disability-based discrimination. The reasonableness test established under the Equal Opportunities Act took into account all relevant factors, not just the financial implications of providing reasonable accommodation. The Test of Reasonableness Board reviewed requests for reasonable accommodation on a case-by-case basis and considered the opinions of a wide range of experts and stakeholders before arriving at a decision.

24. All planning applications were vetted to ensure that they met accessibility requirements, and obtaining a building permit was contingent on obtaining a compliance certificate. During its presidency of the European Commission, Malta had supported and promoted the European Accessibility Act as a priority. But national legislation went further than the Act, for example in respect of accessibility of the built environment, an area in which Malta had had legally binding standards in place for a number of years. Accessibility design standards applied to both the private and public sector, including the transport sector. Heavy fines could be imposed in cases of non-compliance. Malta was obliged to bring its legislation into line with the European Union web accessibility directive. The relevant legislation, which had already been drafted, would provide for regulatory review, with financial sanctions in cases of violation.

25. Work was under way to draft, subject to consultations with persons with disabilities, the United Nations Convention on the Rights of Persons with Disabilities Act, which would make the provisions of the Convention directly applicable. Individuals would thus be able not only to petition the Committee directly, given that Malta had ratified the Optional Protocol, but also to petition the Maltese courts regarding violations of the Convention not covered by the Equal Opportunities (Persons with Disability) Act. The new legislation would also refer to the Committee's general comments where applicable. In addition, there were plans, subject to consultations with persons with disabilities, to set up an accessible and cost-effective redress mechanism in the form of a tribunal.

26. Regarding affirmative action to protect and empower Maltese women with disabilities, the Government favoured empowerment over protection, and had therefore chosen to focus less on affirmative action and more on ensuring that women and girls with disabilities were fully included in society and able to participate on an equal basis with others in the fields of education, employment, sports and social and public life. The Government supported the European Union directive on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation and was incorporating its provisions into national legislation. The Equality Bill, currently before Parliament, specifically included the issue of multiple, intersectional discrimination, as well as gender-based discrimination, going above and beyond the provisions of the directive in those areas. The Equal Opportunities (Persons with Disability) Act 2000 and the Gender-Based Violence and Domestic Violence Act 2018 provided further safeguards, as did the National Children's Policy and the National Youth Policy.

27. Persons with disabilities had the same sexual and reproductive rights as all persons in Malta. The interpretative declaration entered by Malta in respect of article 25 (a) of the Convention were the result of the country's overarching national policy under which abortion was illegal. The Government did not plan to amend the legislation governing termination of pregnancy, although it was aware that social trends in that regard were evolving. While the reservation in respect of article 29 (a) (i) and (iii) of the Convention remained in place, a number of measures had been taken to facilitate participation in the electoral process for persons with visual or mobility impairments. The Government was working to build consensus among the various political parties with a view to lifting the reservation once the necessary legislative changes had been made. The Government had not taken a formal position on the draft Additional Protocol to the Oviedo Convention, but it wished to move towards a person-centred, community-based system of care. To that end, it had formulated a 10-year plan.

28. **Ms. Azzopardi Lane** (Malta) said that the National Sexual Health Strategy addressed the needs of persons with disabilities. The strategy acknowledged that non-discriminatory, non-judgmental services needed to be provided, and appropriate capacity-building and training was being undertaken. Professionals from Aġenzija Sapport, and also from local non-governmental organizations (NGOs) were being trained in the area of sexuality and disability. The Department of Disability Studies at the University of Malta offered a number of courses on sexuality and disability and the University was conducting related research. Sex education resources were being translated into Maltese in order to make them accessible to persons with an intellectual disability whose first language was Maltese.

29. Women and girls in Malta had the same opportunities to participate in sporting activities as their male counterparts. Maltese women had represented their country in

swimming at the 2016 Paralympic Games, and there had been a general increase in the numbers of women and girls with disabilities participating in sport in Malta.

30. **Mr. De Gaetano** (Malta) said that awareness campaigns were planned and implemented in consultation with persons with disabilities. Disability equality training was provided to public and private stakeholders, and that training was exclusively designed and delivered by persons with disabilities. Care was taken to ensure that the format of the training made it accessible to persons with disability and feedback was gathered from such persons on areas in which awareness-raising was needed. The Commission for the Rights of Persons with Disability had mounted specific, targeted campaigns to sensitize the Malta Police Force and the courts to the problems faced by persons with disabilities. Regular disability equality training was provided to government officials, while training for those working in the justice system was under discussion. The Commission held regular sensitization meetings with persons working in the print, online and visual media. Legislation on the portrayal of persons with disabilities in the media was enforced. Bodies that dealt with specific disabilities also engaged in awareness-raising. For example, the Autism Advisory Council had recently carried out a campaign aimed at correcting misapprehensions about autism. The Government had allocated €30,000 for disability awareness-raising campaigns in 2017. The 2018 awareness-raising budget was currently under discussion but was expected to be the same or larger.

31. He believed that the fact that no complaints had been received of negative portrayal in the media of persons with disabilities was a positive sign. However, as mentioned earlier, Malta had a mediation procedure for dealing with complaints though constructive dialogue, and a number of such discussions had been held in 2017 and in 2018. The Commission for the Rights of Persons with Disabilities took firm action where there were cases of negative portrayal of persons with disabilities in the visual media. The rise of social media had created new challenges, and the Government was currently in discussions with all stakeholders with a view to adopting a law on hate crime in the social media.

32. The Government had adopted specific legislation to uphold the rights of children with disabilities and had launched a series of initiatives to promote the participation of children with disabilities, including children with autism, in the Council for Children. It had also organized workshops and camps where children with disabilities had shared their views and opinions on a variety of topics, such as mental health awareness.

33. **Ms. Schembri Muscat** (Malta) said that the Ministry of Education had consulted children with disabilities on a range of different matters. For example, children with disabilities had been given the opportunity to review the latest national policy on inclusive education and to describe the accommodations they would require in order to attend mainstream schools and feel included in the school community. Children with autism had also been consulted regarding classroom modifications needed to enable them to feel safe and at ease at school. All information obtained during those consultations had been recorded and would be taken into account in the ongoing work on the draft Inclusion Policy for Schools.

34. **Ms. Azzopardi Lane** (Malta) said that the University of Malta had taken steps to ensure that persons with disabilities, including those with intellectual or psychosocial disabilities, had access to disability research in easy-to-read formats. Efforts had also been made to involve persons with intellectual disabilities in research projects and empower them to produce accessible information for other persons with disabilities.

35. **Mr. Farrugia** (Malta) said that Aġenzija Sapport remained firmly committed to making accessible information available to persons with disabilities and had launched an initiative to offer all its forms, policies and procedures in accessible formats, such as Easy Read. The newly established research department within Aġenzija Sapport worked closely with the University of Malta to include the views of persons with disabilities in its work.

The meeting was suspended at 5.15 p.m. and resumed at 5.20 p.m.

Articles 11–20

36. **Mr. Basharu** said that he would like to know what measures had been taken by the State party to include persons with disabilities in the General Emergency Plan and whether the Plan was in line with the Sendai Framework for Disaster Risk Reduction. He also wished to know what action had been taken to make courthouses, police stations, and prisons and other places of detention accessible for persons with disabilities and to make appropriate procedural accommodations available in the justice system, including through the provision of information in accessible formats such as Braille, Easy Read and sign language. It would be interesting to hear whether training had been provided to judges, magistrates, lawyers and other court officials to enable them to understand the requirements of persons with disabilities, especially persons with psychosocial and intellectual disabilities, and whether steps had been taken to promote the participation of persons with disabilities in the justice system as lawyers, judges and jurors. Lastly, he asked what efforts had been made to ensure that persons with disabilities, particularly those with multiple impairments, had access to specially adapted vehicles and other assistive devices and technologies.

37. **Mr. Ruskus** asked what progress had been made towards abolishing substitute decision-making and guardianship arrangements that deprived persons with disabilities, including those with intellectual or psychosocial disabilities, of their legal capacity. It would be helpful to learn more about the provisions of the Personal Autonomy Bill. In particular, to what extent was the Bill in accordance with article 12 of the Convention and with the Committee's general comment No. 1 (2014) on equal recognition before the law, and did it explicitly provide for supported decision-making for persons with disabilities?

38. Noting that the 2012 Mental Health Act used the term "mental disorder", he asked what action would be taken to amend the terminology used to describe persons with disabilities and bring it into line with the Convention. He would also welcome information on the steps taken to prohibit the involuntary detention of persons with psychosocial disabilities and instead introduce community-based rehabilitation and support services. He would also be interested in learning whether measures had been introduced to obtain the prior informed consent of persons with disabilities for any kind of medical treatment, including electroconvulsive therapy. Lastly, he wished to know more about the functioning of the two entities tasked with protecting persons with disabilities from exploitation, violence and abuse, referred to in paragraph 94 of the report, particularly the specific measures they had taken to persons with disabilities, especially women and children, from domestic and institutional violence and to investigate, prosecute and sanction perpetrators of such acts.

39. **Mr. Alsaif** said that he would appreciate updated information on the number of complaints submitted to the two entities responsible for protecting persons with disabilities from torture, violence and abuse. It would also be useful to learn how many complaints had been received in relation to violations of the right to integrity of the person. He also wished to know what action had been taken to repeal legislation that provided for the involuntary or forced medical treatment of persons with psychosocial disabilities. In addition, he would like to know what efforts had been made to promote the concept of independent living and raise awareness of the importance of including persons with disabilities in society.

40. **Mr. Martin** said that he would like to know for how long persons with disabilities could be deprived of their legal capacity and whether decisions to deny legal capacity were subject to regular review. He also wished to know how many persons with disabilities continued to live in institutions, including the number of persons with intellectual or psychosocial disabilities. What steps had been taken to ensure that persons with disabilities had the right to choose where and with whom they lived, in accordance with article 19 of the Convention?

41. **Mr. Tatić** said that he wished to know the extent to which the State party had taken into account the Committee's general comment No. 5 (2017) on living independently and being included in the community in the drafting and implementation of its national deinstitutionalization strategy. He would be grateful for more information on the support provide to persons with disabilities requiring round-the-clock assistance, including whether they had the right to choose their own personal assistants. He would also welcome further

information regarding the use of European Union Structural and Investment Funds to promote independent living and include persons with disabilities in society.

42. **Mr. Langvad** asked what specific measures had been taken to uphold the right of persons with intellectual or psychosocial disabilities to live an independent life, in line with the Committee's general comment No. 5.

43. **Mr. Buntan** said that he would like to know more about the steps taken to make information on situations of risk and humanitarian emergencies available in accessible formats such as Braille, Easy Read and sign language, including for refugee and asylum seekers with disabilities. He also wondered whether refugees and asylum seekers with disabilities had access to the same support services as Maltese citizens with disabilities and could move freely around the State party's territory.

44. **Mr. Basharu** said that he would like to know what measures had been adopted as part of the national deinstitutionalization strategy to monitor residential homes for persons with disabilities and ensure that the persons who lived there had access to complaints procedures.

45. **Mr. Pyaneandee** said that, as the rights set out in articles 12 to 17 of the Convention were civil rights, the State party should take action to ensure that they were realized without delay. He would like to know when the Personal Autonomy Bill would be enacted and how the provisions of that bill differed from the present guardianship regime.

The meeting rose at 5.40 p.m.

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Twentieth session

Summary record of the 418th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 12 September 2018, at 10 a.m.

Chair: Ms Degener

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Initial report of Malta (*continued*)

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Malta (*continued*) (CRPD/C/MLT/1; CRPD/C/MLT/Q/1 and CRPD/C/MLT/Q/1/Add.1)

1. *At the invitation of the Chair, the delegation of Malta took places at the Committee table.*

Articles 11–20

2. **Mr. De Gaetano** (Malta), responding to questions put at the previous meeting, said that his country's General Emergency Plan included references to persons with disabilities. The Commission for the Rights of Persons with Disability provided disability equality training for officers at the Civil Protection Department, which was responsible for the Plan. The training, which was provided by persons with disabilities, served to foster constructive dialogue between the Civil Protection Department and persons with disabilities, which would enable the Department to better adapt the Plan to the needs of such persons. The Plan was in line with the Sendai Framework for Disaster Risk Reduction.

3. **Ms. Schembri Muscat** (Malta) said that school evacuation plans were designed by health and safety officers. When a school had a student who used a wheelchair, evacuation plans were discussed with the student's teachers and parents when the student's individual educational plan was drawn up. Schools had evacuation chairs, but if they could not be used, there were also designated areas where students could take refuge during emergencies such as fires. Drills were held at least three times a year, and teachers, learning support educators and students were trained to help each other in emergencies. Additional measures, such as equipping all classrooms with push-bar emergency exits, were taken in schools that had more students with profound and multiple disabilities. Pool areas also had additional emergency equipment, including manual hoists. Educators and other school staff members were trained in the use of their school's emergency equipment, which was regularly inspected. Special provisions applied in schools with students with autism. Whenever possible, students were taught about the health and safety measures they themselves could take.

4. **Ms. Azzopardi Lane** (Malta) said that the university course for prospective health and safety officers had begun covering several disability-related topics, including issues related to universal design, mobility and communication.

5. **Mr. De Gaetano** (Malta) said that discussions were being held with the Director General (Courts) and the Commission for the Rights of Persons with Disability with a view to improving accessibility in the justice system for persons with disabilities, and appropriate measures were being taken. For example, following a request from a blind lawyer, the forms used by legal practitioners to file certain writs were now available in an accessible electronic format. The Government recognized that other legal materials might also need to be made available in accessible formats, such as Easy Read. The Commission had conducted accessibility reviews of police stations and provided training to police officers on how to deal with persons with disabilities, including those with psychosocial disabilities, in a sensitive and accessible way.

6. **Mr. Cini** (Malta) said that a number of schemes had been introduced over the previous three years to improve the personal mobility of persons with disabilities and enable them to lead more independent lives. Under one of those schemes, persons with disabilities could apply to receive funding for the purchase of a wheelchair or other mobility-related equipment. Applications for assistive equipment and devices were considered by an independent panel, which also provided advice on the availability of equipment and how to purchase it. Under another scheme, subsidies for individualized transport services were made available to persons who were unable to use the public transport system. Additional assistance for persons with disabilities included a partial refund on the value added tax paid for vehicle purchases and exemption from the annual vehicle licence tax. The Sonia Tanti Independent Living Centre provided adapted

equipment and vehicles to suit the needs of persons with disabilities, who could also book driving lessons at a specialized training unit.

7. **Mr. De Gaetano** (Malta) said that the concepts of guardianship and substitute decision-making were set to be eliminated from national legislation. The Personal Autonomy Bill, once enacted, would amend the Civil Code and the Code of Organization and Civil Procedure, removing all mentions of interdiction, incapacitation and guardianship. The Government wished to respect the rights and preferences of all people, including persons with disabilities. Accordingly, under the new law, persons with intellectual and/or psychosocial disabilities would receive support in exercising their legal capacity from a safeguarder, who would be responsible for safeguarding the person's legal autonomy. The person with an intellectual and/or psychosocial disability would always make the final decision, unless an arrangement for joint decision-making had been established through a representation agreement. Guardianship would be phased out during a three-month transition period following the enactment of the Personal Autonomy Bill. The delegation understood that the final draft of the Bill would need to be made available in accessible format for public consultation, and plans were therefore being made to produce the text in Easy Read and other formats.

8. According to the office of the Commissioner for Mental Health, the Mental Health Act would also be reviewed and updated in 2019. The Government was committed to eliminating the involuntary detention and hospitalization of persons with intellectual and/or psychosocial disabilities in Malta. The ultimate aim was to progress to a system of support provided from within the community, but such a transition would take time, as there was currently a lack of appropriate support structures in the community. A 10-year plan had therefore been adopted for the development of community-based solutions to meet the needs of persons with intellectual and/or psychosocial disabilities.

9. The Mental Health Act stipulated that the administration of electroconvulsive therapy required the informed consent of the patient or, if the patient lacked the mental capacity to give consent, the responsible carer. The Government was aware that such a provision was not in line with the Convention. However, the revisions to the substitute decision-making regime envisaged under the Personal Autonomy Bill would rectify that situation. In 2017, electroconvulsive therapy had been administered to 36 patients at the general hospital and a further 22 patients at the Mount Carmel mental health facility.

10. The introduction of a bill of rights in the Equal Opportunities (Persons with Disabilities) Act in 2016 had increased awareness of the issue of hate-based violence against persons with disabilities. In Malta, disability-based hate crime was not currently recognized as a specific form of hate crime, although there were plans to amend the law in that regard. Consequently, specific statistics on disability-based hate crime were not available. Cross-referencing of gender-based hate crime statistics with disability statistics, however, revealed that five persons with disabilities, including two women, had made complaints to the police about hate-based violence in 2017.

11. **Mr. Cini** (Malta) said that Aġenzija Sapport and Aġenzija Appoġġ worked together closely to ensure that persons with disability were free from exploitation, violence and abuse. For example, if representatives from Aġenzija Sapport received a request for social support services and discovered issues related to domestic violence or ill-treatment, they referred those cases to Aġenzija Appoġġ, which was responsible for matters relating to domestic violence and child protection. If cases of domestic violence and abuse involving persons with disabilities were referred directly to Aġenzija Appoġġ, on the other hand, it requested assistance from Aġenzija Sapport. In 2017 there had been a total of 41 cases of neglect or domestic violence involving adults and children with disabilities.

12. **Ms. Schembri Muscat** (Malta) said that the Ministry for Education and Employment participated in a steering group that worked to bring together stakeholders concerned with the issue of domestic violence and to strengthen the support services provided to families and children, including children with disabilities. In the country's schools, when either students or the parents of students disclosed cases of domestic violence to psychosocial practitioners or academic staff, they were offered support from a

range of psychosocial practitioners, including psychologists, counsellors, psychotherapists and school social workers.

13. **Mr. De Gaetano** (Malta) said that statistics on complaints made by persons with intellectual and/or psychosocial disabilities were issued by the Office of the Commissioner for Mental Health on an annual basis. The statistics for 2017 were currently being finalized and would be presented to Parliament in the first or second week of October 2018. They would then be made available to the public via the website of the Office of the Commissioner for Mental Health. With regard to updated information on the medical interventions carried out on persons with intellectual and/or psychosocial disabilities without their consent, in recent years there had only been one case of a patient who had undergone sterilization. However, as mentioned in the Government's replies to the list of issues (CRPD/C/MLT/Q/1/Add.1, para. 53), that person had requested and consented to the procedure.

14. Campaigns and training courses had been carried out to raise awareness about the concepts of independent living and community integration. Furthermore, a national awareness-raising campaign aimed at combating the stigma associated with intellectual and psychosocial disabilities had been conducted, including among children.

15. Regarding the number of persons still living in institutions, the statistics included in the replies to the list of issues concerned persons with intellectual disabilities, unless otherwise specified. Persons with physical disabilities had been almost completely included in the community. The challenge now was to do the same for persons with intellectual disabilities. The number of persons with psychosocial disabilities who were living in institutions or facilities designed to help them transition to living in the community was also indicated in the replies to the list of issues.

16. Proposed legislative amendments and other reforms relating to living independently and being included in the community were informed by the Committee's general comment No. 5 (2017). Programmes designed to facilitate independent living and inclusion in the community were developed in consultation with persons with disabilities, who also chaired the boards that administered the programmes. Monies from the European Social Fund and the European Regional Development Fund were being used to help finance a number of initiatives aimed at the implementation of article 19. The Meeting Place, a converted former school building, had been set up to give civil society organizations, including organizations of persons with disabilities, that did not have their own premises access to a space and to the administrative services that would enable them to do their work.

17. **Mr. Cini** (Malta) said that the Inklużjoni (INK) project, which was funded by the European Union, promoted the inclusion of persons with disabilities, in particular in the labour market. Over the three-year life of the project, 200 persons with disabilities would receive training, including on how to write a curriculum vitae, and practical experience in workplaces. Before the training started, an exercise would be conducted to match jobseekers with prospective employers. Training would also be provided to a similar number of employers. The €3 million earmarked for the project was in addition to the recent increase of €5 million in the budget for programmes for persons with disabilities. Employers participating in the Project would be visited by auditors to determine whether their premises were accessible to persons with disabilities. As part of another project, some 80 persons with disabilities would be sent to Ireland on study visits.

18. **Mr. Farrugia** (Malta) said that Aġenzija Sapport administered one fund to support the hiring of personal assistants for persons with disabilities and another to facilitate independent community living. The chair and vice-chair of the independent boards that awarded the grants made possible by the two funds were persons with disabilities. The amounts allocated from the Personal Assistants Fund could be enough to hire a live-in assistant to provide assistance around the clock. A fast-track procedure made it possible to approve the release of funds within 24 hours of application. Such emergency funding was usually made available when a person with disabilities was at risk of homelessness or when his or her family support network failed to help him or her deal appropriately with an emergency. Supplementary funding was available from other programmes in the event that the amount awarded was insufficient. The recipients of grants from the Personal Assistants

Fund chose their own assistants. In general, Agenzija Sapport was making efforts to ensure that the services and funds it provided were accessible to all persons with disabilities.

19. **Mr. De Gaetano** (Malta) said that the issue of refugees and asylum seekers with disabilities had been discussed with the Office of the Refugee Commissioner, the Agency for the Welfare of Asylum Seekers and Agenzija Sapport. The specific needs of such persons, in particular once they had been accorded international protection, were attended to on a basis of equality with other persons with disabilities resident in Malta. Discussions on moving the Office of the Refugee Commissioner to accessible premises were currently under way, as were efforts to make reception centres more accessible to refugees and asylum seekers with disabilities. The Government recognized that more needed to be done, however. Staff members of the agency that dealt with State-run detention centres and officials who worked with refugees and other migrants — at migrant reception centres, for example — had taken courses organized by the Commission for the Rights of Persons with Disabilities. The objective of the courses was to raise awareness among officials of the needs of refugees and asylum seekers with disabilities, including those with psychosocial disabilities resulting from severe trauma. Similar courses were organized for prison personnel.

20. **Mr. De Gaetano** (Malta) said that Agenzija Sapport was developing a specific training programme for sign language interpreters who worked with asylum seekers. In addition, the agency had requested funding for an officer to liaise with the domestic and international agencies dealing with refugees and asylum seekers in Malta, including the Office of the Refugee Commissioner, the Agency for the Welfare of Asylum Seekers, the Office of the United Nations High Commissioner for Refugees, the European Asylum Support Office and the International Organization for Migration. Improved dialogue would ensure that challenges were properly addressed, not least with regard to obstacles to the freedom of movement of refugees and asylum seekers with disabilities. The process was under way, and efforts were being made to ensure it was informed by input from persons with disabilities.

21. A disability support unit had been set up at the University of Malta Faculty of Law, a first step towards ensuring that persons with disabilities could qualify to work in the justice system. The current challenge was to make sure that, once persons with disabilities began working in the legal field, they would find a more inclusive and understanding environment. Some of the persons with disabilities sitting on government boards were lawyers, as some board positions required legal expertise.

22. **Ms. Azzopardi Lane** (Malta) said that new research from the Department of Disability and the Department of Criminology of the University of Malta had contributed much-needed knowledge of the experiences of persons with intellectual disabilities in the Maltese criminal justice system, whether as victims or as defendants. The aim of the research was to inform policy and practice. In addition, students at the University were conducting research to determine how well aware persons with intellectual disabilities were of their legal rights and the mechanisms at their disposal to seek redress for violations of those rights. In conducting their research, the students also raised awareness of those rights.

The meeting was suspended at 11.15 a.m. and resumed at 11.25 a.m.

Articles 21–33

23. **Mr. Martin**, noting that persons with intellectual disabilities worldwide had poor health outcomes, said that he would be grateful if the delegation could inform the Committee about what was being done to ensure that doctors, nurses and other health workers were given the right training to be able to communicate with and provide health services to persons with such disabilities. He would be interested to know how organizations of persons with disabilities were being involved in the consultations with the Electoral Commission concerning the State party's reservation to article 29. He also wished to know whether information on voting was available in Easy Read format and whether any consideration had been given to producing DVDs on the voting process for persons with intellectual disabilities, featuring actors with intellectual disabilities.

24. **Mr. Lovászy**, noting that the Maltese Sign Language Council had held its first seminar as recently as 2017, said that he would like to know what specific binding measures and incentives were in place with respect to sign language and whether a road map had been established for further improvements, particularly when it came to access to public services and basic education. He would be interested to hear how and to what extent the Council ensured the accessibility of local media and what sanctions were applied in the event of non-compliance. He would also be grateful for clarification of how it was ensured that the assessment of the working capacity of persons with disabilities was in line with the Convention's human rights-based approach and what remedies were available to individuals who wished to challenge the decision of the assessment team. The delegation might also comment on any such challenges that had reached the highest national courts and on the supports available to persons with disabilities who had exhausted all domestic remedies to enable them to bring cases to the Committee under the Optional Protocol. He would be interested to know about monitoring and sanctions for non-compliance with the quota system for the employment of persons with disabilities and would be grateful if specific figures could be provided on the employment of persons with disabilities and their access to reasonable accommodation. He would also welcome information on incentives for working persons with disabilities, such as tax exemptions and individually tailored wage support, and on how the State party prevented the bogus employment of persons with disabilities by companies seeking merely to meet the quota.

25. **Mr. Kim** Hyung Shik said that he would be interested to know whether the positive economic outlook in 2015 described in the State party report (CRPD/C/MLT/1, paras. 8 and 9) had improved the overall employment situation for persons with disabilities. Noting that there was a gap between the educational standards demanded by the labour market and those attained by persons with disabilities, he asked what the average level of education obtained by persons with disabilities was and what measures were being taken to address the physical accessibility barriers and socioeconomic factors that hindered their employment. He would appreciate statistics on the proportion of companies that complied with the 2 per cent quota for the employment of persons with disabilities, the penalties in place for non-compliance and how the income collected through penalties was used. It would be interesting to learn which of the forms of employment of persons with disabilities set out in the national employment policy — such as open market employment, social cooperatives and supported and sheltered employment — had proved most effective. He would welcome statistics on the number of persons with disabilities who had been assisted by the Lino Spiteri Foundation in finding employment since 2015. He would also be grateful for information on the implementation of the personal action plans drawn up to assist persons with disabilities in choosing a suitable career and searching for work, on how assessments of fitness to work were conducted and on how it was ensured that persons with disabilities had inclusive access to employment.

26. **Mr. Babu** said that the State party's legislation promoted the rights of persons with disabilities in some sections while denying them in others. According to the Marriage Act, all persons aged 16 and over were entitled to marry and found a family, with the exception of persons with a severe intellectual impairment. He wondered whether that provision was not considered to contradict the Equal Opportunities (Persons with Disabilities) Act, which prohibited discrimination on the basis of disability. He was also concerned that the National Sexual Health Policy was discriminatory towards persons with disabilities and that there was no legislation providing for capacity to consent for persons with learning disabilities. He would appreciate a comment from the delegation on that state of affairs, which seemed to promote stigma and stereotypes.

27. **Mr. Ishikawa** said that he would be interested to hear about measures taken or planned to train interpreters and communicators for deaf-blind persons, such as tactile sign language interpreters and finger Braille interpreters, and to provide accessible textbooks and other educational resources for students with print disabilities. He would also like to know whether public and private universities had an obligation to provide reasonable accommodations to students with disabilities. Although mainstream schools provided peripatetic teachers for children with visual and/or hearing impairments, the Committee had heard reports of parents being asked to keep their children at home because the learning support assistant was absent and there was no replacement; he would be interested to know

how the Government planned to tackle that issue. He would welcome further clarification of why Malta could not withdraw its reservations to article 29 (a) (i) and (iii) of the Convention. Lastly, he would be grateful if the delegation would describe the measures being considered to ensure that the Commission for Rights of Persons with Disability could properly discharge its responsibility to monitor the implementation of the Convention.

28. **Mr. Langvad** said that he would like to know whether deaf persons had access to free or affordable sign language interpretation for social events and leisure activities. He also wished to know what the average income of persons with disabilities was compared with that of the rest of the population and what proportion of workplaces was covered by the quota system for the employment of persons with disabilities. Information on measures to ensure that persons with disabilities living in institutions could vote at regular polling stations would also be welcome. It would also be useful to know how the mechanism for monitoring implementation of the Convention in Malta conformed with the Paris Principles and how organizations of persons with disabilities were directly consulted on the implementation of the Convention.

29. **Mr. Pyaneandee** (Country Rapporteur) said that he would encourage the State party to undertake several commitments. For example, he would recommend that the University of Malta should carry out research on the socioeconomic and cultural benefits of inclusive education and launch a national debate on the subject. In the ongoing work on the Personal Autonomy Bill, the State party should ensure that, in line with article 29 of the Convention, persons with disabilities could exercise their civil and political rights, including the right to vote, on an equal basis with others. He would like to know the time line for adoption of the United Nations Convention on the Rights of Persons with Disabilities Bill and when the Commission for Persons with Disability would be made fully independent.

The meeting was suspended at 11.45 a.m. and resumed at 12.15 p.m.

30. **Ms. Azzopardi Lane** (Malta) said that the Department of Disability Studies of the University of Malta provided training to students in the health professions on working with persons with intellectual disabilities. Both the Commission for Persons with Disability and Agenzija Sapport provided supplementary training to health-care professionals following graduation. The University's Department of Disability Studies was conducting research together with persons with intellectual disabilities in which videos were being used as a tool for accessible information for the purpose of awareness-raising.

31. **Mr. De Gaetano** (Malta) said that the discussions concerning the reservation to article 29 involved not only the Electoral Commission but also the political parties. Work was under way to try to bring the parties closer to a consensus that would lead to the lifting of the reservation, including direct consultations and a conference organized with experts from the Council of Europe. It was clear to all concerned that the reservation had been intended to be temporary. The Electoral Commission had taken steps to ensure the availability of more accessible materials for blind voters, including Braille ballot papers freely available at all polling stations, and a number of civil society organizations and organizations of blind persons had been consulted in that process. Ballot papers were being printed in other accessible formats with photos of the candidates. In terms of voter education, the production of DVDs was under consideration. The Commission for Rights of Persons with Disability had structures for the consultation of persons with disabilities, including persons with intellectual disabilities. As mentioned in the previous meeting, a consultation mechanism was also being set up in the Office for Disability Issues.

32. The Maltese Sign Language Council had been established in 2016 and had already launched a number of initiatives, applying a rights-based approach. The Government was actively supporting the Sign Language Council in the organization of its upcoming conference. In order to ensure the availability of properly qualified sign language interpreters, the Government had funded the first training course for interpreters at the University of Malta; a cohort of 13 persons would be starting the course in 2018. As there were currently only two persons available to teach the course, efforts were being made in cooperation with the Council, the University and representatives of the deaf community to identify more long-term solutions to increase capacity to train interpreters, expand the pool of working interpreters and promote the course among students. Greater attention was also

being paid to supporting athletes participating in the Deaflympics. When it came to the accessibility of local media, it was the Government rather than the Council that had the mandate to impose sanctions.

33. The assessment of capacity to work would be brought into line with the Convention as part of the process of streamlining the disability assessment system. Assessment decisions could be appealed before the courts. If a complaint of discrimination was lodged, there was first a mediation procedure, which could be escalated to full proceedings before the civil courts. There had been a number of notable cases before the courts in which persons with disabilities had successfully taken action against the Government. Two cases currently under appeal involved the accessibility of a health centre and a claim against the Malta Football Association concerning accessibility of the national stadium. Other cases had been taken against a local band club, a leisure club, pharmacies and an independent school. Such court cases were reported annually to the House of Representatives and information about them was made publicly available.

34. The individual right to petition the courts was enshrined in the Equal Opportunities (Persons with Disabilities) Act and other national legislation. Individuals with disabilities could also lodge complaints with the Committee, in accordance with the Optional Protocol. The Commission for the Rights of Persons with Disability had a legal obligation to provide support and reasonable accommodation to persons with disabilities to enable them to access the justice system. In addition to conducting training and awareness-raising activities in the justice system, the authorities were putting in place a redress mechanism to ensure effective access to substantive rights.

35. JobsPlus, the national employment agency, was required by law to monitor compliance of companies to which the 2 per cent quota system applied. If companies did not meet the quota, they would face fines or court proceedings. The courts could order companies to provide reasonable accommodation to ensure workplace accessibility for persons with disabilities. Since the introduction of the system, 722 companies had complied with the rules while 487 had not; those cases had been resolved either through amicable settlements or in the courts. In 2016, 1,000 people had been employed under the quota scheme. Tax exemptions were available to businesses employing persons with disabilities. Workers with disabilities continued to receive social security benefits, including financial support to enable them to hire a personal assistant, even if they were in full-time employment. Companies were obliged to employ persons with disabilities on an equal basis with other workers. The Government had enacted an equal work for equal pay policy which would be enforced; sanctions would be applied if companies did not comply with it. The growth in the national economy had enabled the Government to increase funding for initiatives to help persons with disabilities to enter the labour market.

36. The authorities were aware that some people in vulnerable situations faced double discrimination. A number of initiatives had been introduced to provide support for such persons in accessing the labour market. Under the Access to Employment Scheme, which was co-financed by the European Social Fund, persons with disabilities in full-time employment received a weekly subsidy of €125; that subsidy was awarded pro rata for part-time employment. Employers of persons with disabilities received a fiscal incentive equal to 25 per cent of the annual basic salary, up to a maximum of €4,500. The Bridging the Gap Scheme provided persons with disabilities with opportunities to gain work experience and to receive an allowance equal to 80 per cent of the national minimum wage. While some sheltered employment programmes did exist, they were targeted only at specific groups of people; the Government's main focus was on mainstreaming, which it considered to be best practice in matters relating to persons with disabilities.

37. **Ms. Schembri Muscat** (Malta) said that the recently established National Skills Council had been established with the aim of addressing the skills gap in the workforce, particularly in the digital, technology and financial sectors. The Council, which was made up of representatives from the education and business sectors, government entities and civil society organizations, would make recommendations on policy changes to prepare the workforce for the challenges of the future. Malta was currently experiencing its lowest ever unemployment rate, which was also affecting the ability of employers to find workers with the skills they required. In 2016, the Malta College of Arts, Science and Technology had

launched the Skills Kit programme, which allowed students to choose from a wide range of subject areas and learn at their own pace.

38. **Mr. Farrugia** (Malta) said that under the Personal Assistant Scheme, persons with disabilities selected their own personal assistant and could receive one-to-one support at work. The Empowerment Scheme provided funds to enable persons with disabilities to attend higher education or find employment.

39. **Mr. Cini** (Malta) said that the Job Enhancing Skills Scheme (JESS) was a two-year programme designed to provide persons with disabilities with skills training and match them to a suitable workplace. The programme had initially accepted 50 beneficiaries, but there were plans to extend its reach. A request for additional funding had been made to the Ministry for Finance with a view to enabling people who had completed the eight-month training under the INK project to transfer to JESS.

40. **Mr. De Gaetano** (Malta) said that the Equal Opportunities (Persons with Disability) Act superseded all other laws and policies relating to persons with disabilities, with the result that if anyone felt that other national legislation contained discriminatory provisions concerning the right to marry, they could challenge those provisions in court. Since marriage was a contractual relationship, however, a person's capacity to understand what it entailed and to consent to it was fundamental. A working group was in place to identify and remove derogatory language from national legislation.

41. **Ms. Azzopardi Lane** (Malta) said that the Commission for the Rights of Persons with Disability had set up a working group to review the legislation on the sexual expression of persons with disabilities and remove any discriminatory articles. The Government was examining international best practice on the exercise of personal autonomy and assessment of the capacity of persons with intellectual disabilities to consent to a sexual relationship.

42. **Mr. De Gaetano** (Malta) said that the Government intended to implement measures to support the country's small community of deaf-blind persons, including the production of textbooks in accessible formats.

43. **Mr. Farrugia** (Malta) said that sign language interpretation services were provided free of charge, and it was the person with the hearing impairment who decided what type of services were required.

44. **Ms. Schembri Muscat** (Malta) said that peripatetic teachers provided classroom support for children with visual or hearing impairments. The Government was working to ensure that children requiring one-to-one support could remain in school even when learning support educators were temporarily unavailable. Operating procedures were due to be launched that would provide additional guidance for schools and firmly place responsibility on senior management teams for ensuring that schools did everything they could to support a child before applying for a statement of needs and an individualized education plan. In 2018, a review had found that many children with statements of needs had made significant progress and no longer required such intensive support; as a result, more learning support educators would be available to provide relief for absent colleagues.

The meeting rose at 1 p.m.